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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

ALPS PROPERTY & CASUALTY
INSURANCE COMPANY,

Plaintiff,

v.

NICK E. BEDUHN; GOPPERT, SMITH &
BEDUHN; KURT ACTON; TANNER
BEEMER; and DAROLD BROWN,

Defendants.

Case No. 18-CV-28-F

**ALPS'S MOTION TO STAY
PROGRESSION ORDER DEADLINES**

ALPS Property & Casualty Insurance Company ("ALPS"), pursuant to Local Rule 7.1, respectfully moves the Court for an Order staying the progression deadlines in the Order on Initial Pretrial Conference ("Progression Order") (Filing No. 22), pending the Court's resolution of ALPS's Motion for Summary Judgment (Filing No. 24).

Statement of Arguments and Authorities in Support

Pursuant to Local Rule 7.1(b)(1)(B), ALPS provides the following arguments in support of this motion:

(1) Defendant Nick E. Beduhn ("Beduhn") failed to appear at the Court's initial pretrial conference on August 2, 2018 and appears to have stopped participating in this case after filing his Answer and Counterclaim (Filing No. 10);

(2) The underlying suits¹ which precipitated this insurance coverage matter also are subject to dismissal for non-prosecution by the Defendants in this matter, as demonstrated in the letter from the Park County Clerk of the District Court which is attached as Exhibit A;

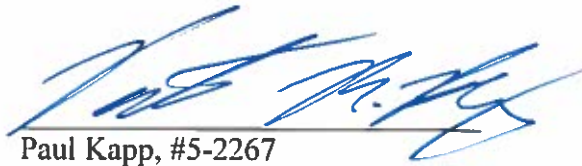
(3) None of the Defendants filed an opposition to ALPS's Motion for Summary Judgment within the time required by Local Rule 7.1(b)(2)(A). Defendants also failed to respond to the Court's Order to Show Cause (Filing No. 27) requiring them to show cause by October 8, 2018 why they did not timely respond to ALPS's motion for summary judgment or to file responsive briefs as required by the Court.

Written discovery or depositions do not appear necessary in this matter, given Defendants' failure to oppose ALPS's Motion for Summary Judgment and Defendants' apparent decision to no longer participate in this case. Such discovery likely would not even be possible without further Court intervention given this non-participation. Furthermore, the efforts and cost needed to pursue such discovery (and potential Court intervention) may be unnecessary, depending on the Court's ruling on ALPS's unopposed Motion for Summary Judgment.

ALPS therefore respectfully requests the Court stay all deadlines in the Progression Order, pending the Court's resolution of ALPS's Motion for Summary Judgment, and order that an amended progression order will be entered if the Court declines to grant summary judgment to ALPS.

¹ The underlying suits are styled: *Acton v. Beduhn and Goppert Smith & Beduhn*, Civil Action No. 28930 (Dist. Ct. Cty. of Park, Wyo.); *Beemer v. Beduhn and Goppert Smith & Beduhn*, Civil Action No. 28931 (Dist. Ct. Cty. of Park, Wyo.); and *Brown v. Beduhn and Goppert Smith & Beduhn*, Civil Action No. 28932 (Dist. Ct. Cty. of Park, Wyo.).

Dated: October 9, 2018



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CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2018, I caused the foregoing document to be served via First Class mail and electronically filed with the Clerk of the Court using the CM/ECF system, to the following:

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